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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC. a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-00106-LRH-PAL

**PLAINTIFFS ORACLE USA, INC.,
ORACLE AMERICA, INC., AND
ORACLE INTERNATIONAL
CORPORATION'S MOTION TO
SEAL THEIR MOTION FOR
EVIDENTIARY SANCTIONS FOR
SPOILIATION AND SUPPORTING
DOCUMENTS**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, Dkt. 55 (“Protective Order”), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (collectively “Oracle” or “Plaintiffs”) request that, upon showing of good cause by the designating party, the Court order the Clerk of the Court to file under seal certain portions of Oracle’s Motion for Evidentiary Sanctions for Spoliation and Oracle’s Proposed Order, and supporting documents. Unredacted versions of these documents were lodged under seal with the Court on May 30, 2012.

Portions of Oracle’s motion, proposed order, and supporting documents reflect information that Rimini Street, Inc. (“Rimini”) and third party, Adams Street Partners (“Adams Street”) have designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only.” The Protective Order states, “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order *only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c)*. The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis added).

For sealing requests relating to non-dispositive motions, such as Oracle’s Motion for Evidentiary Sanctions for Spoliation, the presumption of public access to court filings may be overcome by a showing of good cause under Rule 26(c). *See Pintos v. Pacific Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010); *Kamakana v. Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials for many types of information, including, but not limited to, trade secrets or other confidential research, development, or commercial information.” *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted).

Oracle has submitted the portions of the motion, the proposed order, and supporting

documents designated by Rimini and Adams Street under seal pursuant to the Protective Order based on their representations that it reasonably believes there is a valid basis under the Protective Order for its confidentiality designations. *See, e.g., Pacific Gas and Elec. Co. v. Lynch*, 216 F. Supp. 2d 1016, 1027 (N.D. Cal. 2002). However, Oracle is not in the position to argue that the designating parties' confidentiality designations meet the "good cause" standard applicable to this motion.

TESTIMONY AND DOCUMENTS DESIGNATED BY RIMINI AS CONFIDENTIAL OR HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY

Rimini has designated the following documents cited or referred to in Oracle's motion and proposed order as Confidential or Highly Confidential – Attorneys' Eyes Only:

EX. ¹ NO.	DESCRIPTION	CONF. DESIGN.
5	RSI's Third Supplemental Responses. to Interrogatories Nos. 20-22, served on February 6, 2012	Confidential
6	RSI's First Supplemental Ex. 1A-3 to Responses to Interrogatories Nos. 20-22, served on March 9, 2012	Confidential
8	Excerpts from the deposition of Jeff Allen taken on October 18, 2011	Confidential
9	Excerpts from the deposition of Douglas Baron taken on May 10, 2011	Confidential
10	Excerpts from the deposition of Dennis Chiu taken on June 24, 2011	Confidential
11	Excerpts from the deposition of J.R. Corpuz taken on March 15, 2011	Highly Confidential
12	Excerpts from the deposition of Kevin Maddock taken on January 6, 2012	Confidential
13	Excerpts from the deposition of Seth Ravin taken on July 21, 2010 in <i>Oracle USA, Inc. et al. v. SAP AG et al.</i> , No 07-cv-01658 (N.D. Cal.)	Highly Confidential

¹ All exhibits referenced herein are appended to the Appendix of Exhibits in support of Oracle's Motion for Evidentiary Sanctions for Spoliation, lodged on May 30, 2012.

EX. NO.	DESCRIPTION	CONF. DESIGN.
14	Excerpts from the deposition of Brian Slepko (FRCP 30(b)(6) witness) taken on December 16, 2011	Confidential
15	Excerpts from the deposition of Brian Slepko (personal capacity) taken on December 15, 2011	Confidential
16	Excerpts from the deposition of Krista Williams taken on October 5, 2011	Confidential
17	Excerpts from the deposition of John Whittenbarger taken on September 27, 2011	Confidential
18	Excerpts from the deposition of Douglas Zorn taken on September 16, 2011	Confidential
19	March 6, 2009 e-mail from K. Williams [Oracle Depo. Ex. 39]	Highly Confidential
20	Oct. 25, 2007 e-mail from D. Baron [Oracle Depo. Ex. 161]	Confidential
21	Jun. 29, 2006 e-mail from D. Slarve [Oracle Depo. Ex. 244]	Confidential
22	Oct. 5, 2006 e-mail from D. Chiu [Oracle Depo. Ex. 246]	Confidential
23	Sep. 13, 2006 instant message between D. Chiu and S. Tahtaras [Oracle Depo. Ex. 247]	Confidential
24	Feb. 12, 2007 e-mail from D. Baron [Oracle Depo. Ex. 249]	Confidential
25	Jan. 12, 2010 e-mail from K. Williams [Oracle Depo. Ex. 252]	Confidential
26	Mar. 12, 2007 e-mail from G. Lester [Oracle Depo. Ex. 253]	Confidential
27	Jul. 14, 2009 e-mail from K. Williams [Oracle Depo. Ex. 276]	Confidential
28	RSI Consolidated Financial Statements Years Ended December 31, 2010 and 2009 [Oracle Depo. Ex. 418]	Confidential
29	Jan. 21, 2007 e-mail from D. Baron [Oracle Depo. Ex. 466]	Confidential

EX. NO.	DESCRIPTION	CONF. DESIGN.
30	Jun. 15, 2009 e-mail from K. Williams [Oracle Depo. Ex. 469]	Confidential
31	Jun. 29, 2009 e-mail from K. Williams [Oracle Depo. Ex. 470]	Confidential
32	Jul 17, 2009 e-mail from B. Slepko [Oracle Depo. Ex. 480]	Confidential
33	Jan. 13, 2010 e-mail from E. Freeman [Oracle Depo. Ex. 482]	Confidential
34	Jan. 13, 2010 e-mail from K. Williams [Oracle Depo. Ex. 503]	Confidential
36	Feb. 5, 2009 e-mail from S. Ravin [Oracle Depo. Ex. 912]	Confidential
37	Jun. 26, 2006 e-mail from D. Chiu [Oracle Depo. Ex. 926]	Confidential
38	Dec. 15, 2009 e-mail from S. Ravin [Oracle Depo. Ex. 1385]	Highly Confidential
39	Excerpts from Jun. 19, 2009 Memo. of Closing, Series B Preferred Stock Financing [Oracle Depo. Ex. 1389]	Highly Confidential
41	Oct. 5, 2009 e-mail from P. Bohn [Oracle Depo. Ex. 1644]	Confidential
44	Jun 5, 2009 e-mail from P. Colaninno [RSI00023131-32]	Highly Confidential
45	Jun. 11, 2009 e-mail from R. Murray [RSI00024428-430]	Highly Confidential
49	Instant message between E. Freeman and C. Limburg [RSI04084930]	Confidential
50	Screenshot of \\rsi-cisvr01\client_software\PeopleSoft [RSI06276320]	Confidential
51	Excerpts from the Expert Report of Scott D. Hampton dated March 30, 2012	Highly Confidential
52	Excerpts from the Expert Report of Brooks L. Hilliard dated March 30, 2012	Highly Confidential

**DOCUMENTS DESIGNATED BY THIRD PARTY ADAMS STREET AS HIGHLY
CONFIDENTIAL – ATTORNEYS’ EYES ONLY**

Third party, Adams Street has designated the following documents cited or referred to in Oracle’s motion and proposed order as Highly Confidential – Attorneys’ Eyes Only:

EX. NO.	DESCRIPTION	CONF. DESIGN.
38	Dec. 15, 2009 e-mail from S. Ravin [Oracle Depo. Ex. 1385]	Highly Confidential
39	Excerpts from Jun. 19, 2009 Memo. of Closing, Series B Preferred Stock Financing [Oracle Depo. Ex. 1389]	Highly Confidential
42	Jun. 18, 2009 e-mail from M. Fleming [ASP004074-81]	Highly Confidential
43	Jun. 15, 2009 e-mail from J. Feldman [ASP004082-87]	Highly Confidential

Oracle has submitted all other exhibits in the Appendices to the Court’s public files, which would allow public access to all exhibits except for the items listed above. Accordingly, the request to seal is narrowly tailored. For the foregoing reasons, Oracle requests that, should the Court find there is good cause for filing the documents discussed above under seal, issue an order sealing the documents.

DATED: May 30, 2012

BOIES SCHILLER & FLEXNER LLP

By: /s/ Kieran P. Ringgenberg
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